

# **EXHIBIT 17**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

IN RE: DUCTILE IRON PIPE FITTINGS  
("DIPF") DIRECT PURCHASER  
ANTITRUST LITIGATION

Civ. No. 12-711 (AET)(LHG)

**SUPPLEMENTAL DECLARATION OF  
ERIC KIERKEGAARD REGARDING  
FINAL CLAIM DETERMINATION &  
DISTRIBUTION**

JUDGE: ANNE E. THOMPSON

I, Eric Kierkegaard, declare as follows:

1. I am a Project Director in Client Services for Epiq Class Action & Claims Solutions, Inc.<sup>1</sup> The following statements are based on my personal knowledge and information provided by other experienced GCG employees working under my supervision. If called on to do so, I could and would be competent to testify thereto.

2. This Declaration discusses the administrative work that GCG has performed and the determinations made with respect to the processing of claims filed in connection with settlements by plaintiffs and Defendant McWane, Inc., including its divisions, Clow Water Systems Co., Tyler Pipe Company, and Tyler Union ("McWane") in the Ductile Iron Pipe

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<sup>1</sup> Garden City Group, LLC was acquired by Epiq Class Action and Claims Solutions, Inc. on June 15, 2018. All references to GCG shall indicate the Settlement Administrator as both Garden City Group, LLC and Epiq Class Action and Claims Solutions, Inc.

Fittings (“DIPF”) Direct Purchaser Antitrust Litigation (the “Settlement”).<sup>2</sup>

### **CLAIMS ADMINISTRATION**

3. Claims Received. GCG has received and reviewed claims for validity and inclusion in the Settlement. The postmark deadline for Class Members to submit claims was June 9, 2018. To make a claim, Class Members were required to complete the approved Claim Form. As of January 17, 2019, GCG had received a total of 270 timely Claim Forms and three (3) late Claim Forms, for a total of 273 claims received. GCG reviewed claims for completeness, duplication, timeliness, fraud, and, where high values were claimed, whether the claim could be supported by documentation or defendant data.

4. Duplicate Claims. During the claims administration process, some claims were identified to be duplicative, meaning they were submitted for the same entity and same value. In total, two (2) claims were identified as such and were removed from further review and processing, leaving 271 unique claims.

5. Late Claims. As stated above, three (3) claims were received after the postmark deadline (“Late Claims”). None of these claims were received so late as to interfere with the claims administration process. After the claims review process described below, it was determined that all three (3) of the Late Claims were valid. GCG has included these three (3) Late Claims in the group of claims recommended for acceptance and in the calculation of award amounts.

6. Claim Review, Deficiency, and Audit Process. The Claim Form required each

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<sup>2</sup> All capitalized terms not otherwise defined in this document shall have the meaning ascribed to them in the Settlement Agreement.

claimant to provide the U.S. Dollar amount of all yearly purchase totals of Open-Spec DIPF purchases made directly from SIGMA Corporation, SIGMA Piping Products Corporation (“SIGMA”), and Star Pipe Products, Ltd. (“Star”), or McWane in addition to the U.S. Dollar amount of all Domestic DIPF yearly purchase totals made directly from SIGMA or McWane.

7. GCG reviewed all Claim Forms for completeness and recorded the information provided, including any supporting documentation submitted, in GCG’s proprietary database. Through the review process, GCG identified claim deficiencies due to a failure to provide required information, failure to provide purchase amount(s), or failure to sign the Claim Form. A total of six (6) of the 271 unique claims submitted were deemed deficient. GCG sent a letter to these claimants requesting further information to correct the deficiency. As necessary, after receiving any written responses, GCG engaged in additional follow-up discussions with claimants via telephone and email concerning their responses and the supporting documentation provided. After GCG reviewed all responses and documentation, three (3) claims remained deficient. GCG has notified these claimants by mail that their claims were not eligible for payment.

8. Audit Process. While claimants were not initially required to submit supporting documentation for their claimed purchases of DIPF, the Claim Form required each claimant to agree to provide additional supporting information if requested and certify under penalty of perjury that, among other things, there was documentation to support the claim. GCG audited claims with claimed purchase values over \$150,000 as well as a sampling of all other claims.

9. GCG also maintains a Proprietary Watch List (“Watch List”), which is GCG’s internal database of known frequent or potentially fraudulent filers. Upon review of all claims submitted, GCG identified 24 potentially fraudulent claims that appeared on the Watch List.

GCG included each of these claims in the audit review.

10. Taken together, GCG audited 71 claims representing over 90% of the total purchases identified on Claim Forms.

11. As necessary, GCG engaged in follow-up discussions via telephone and email with claimants concerning their responses and the supporting documentation provided. For those claimants who did not respond to the initial letter, GCG sent a reminder letter requesting supporting documentation. These letters advised claimants that failure to respond or provide the requested documentation would result in rejection of their claims. After the follow-up efforts noted above, 33 of the claimants did not provide a response or documentation to support their claim, and their claims were therefore rejected. In addition, a total of one (1) audit response was deemed invalid based on the documentation submitted, and this claim was rejected. GCG has notified these claimants by mail that their claims were not eligible for payment.

12. Eligible Claims. After GCG's review of all claims, the total number of claims eligible for payment in the Settlements is 234 for a total of \$75,413,224.61 in purchases. GCG reviewed each Eligible Claim to ensure that none were on the list of companies that have otherwise agreed to exclude themselves from the Settlement identified on Exhibit 1 of the Notice.

13. Settlement Funds. Based on the escrow statements provided to GCG, a total of \$4,641,293.09 in settlement funds are available from the Settling Defendant.

14. The balance above includes any reductions for the payment of applicable taxes, attorneys' fees, expenses, and incentive awards approved by the Court.

15. Administrative Fees and Expenses. To date, the administrative fees and expenses incurred are \$56,324.03. Additionally, GCG estimates \$15,012.25 for fees and expenses to

conduct the initial distribution of the Net Settlement Fund, assuming there is only one distribution. If a second distribution is requested by Counsel and approved by the Court those administrative fees would be in addition to the aforementioned amounts.


16. Net Settlement Fund. After paying the administrative fees and expenses described above, the total amount available for distribution to claimants at this time (the “Net Settlement Fund”) is \$4,569,956.81.

17. Recommended Allocations. GCG has calculated awards in accordance with the Plan of Allocation approved by the Court after consultation with Settlement Class Counsel. GCG has included all claims approved in the review process including late claims. The high, average, and low award amounts are \$658,209.17, \$19,529.73, and \$14.54, respectively. Attached as **Exhibit A** is a chart showing information about each claimant’s purchases and GCG’s application of pro rata awards pursuant to the Plan of Allocation. The chart identifies each claimant by claim number and provides the amounts in U.S. dollars of their approved purchases.

18. Upon Court approval of the above, GCG is prepared to commence distribution for the Settlements in accordance with the calculations noted above and the Plan of Allocation.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of January 2019 in Seattle, Washington.

  
Eric Kierkegaard

# Exhibit A

<b>Claim Number</b>	<b>Total Purchases Claimed</b>	<b>Award</b>
1002759	\$10,861,738.57	\$658,209.17
8382246	\$10,722,820.55	\$649,790.90
1004198	\$5,069,691.52	\$307,217.62
8382389	\$4,414,700.00	\$267,525.87
1004355	\$4,268,308.75	\$258,654.72
1006022	\$3,538,573.86	\$214,433.61
1005921	\$3,536,757.70	\$214,323.55
8382374	\$2,601,036.12	\$157,619.87
1000560	\$2,136,570.72	\$129,473.79
8293139	\$1,703,372.79	\$103,222.48
1000170	\$1,631,616.51	\$98,874.13
1006061	\$1,482,995.27	\$89,867.85
1004390	\$1,152,563.75	\$69,844.07
1001951	\$1,138,764.50	\$69,007.85
1003773	\$1,121,404.77	\$67,955.87
8382376	\$1,104,440.05	\$66,927.83
1004267	\$1,059,805.60	\$64,223.03
8285058	\$982,289.00	\$59,525.61
1005525	\$923,982.51	\$55,992.30
8285049	\$916,249.00	\$55,523.66
8288234	\$877,513.55	\$53,176.34
1004308	\$842,439.98	\$51,050.92
1005472	\$811,433.31	\$49,171.95
7913237	\$807,000.00	\$48,903.29
1000107	\$703,697.76	\$42,643.29
1005170	\$673,738.48	\$40,827.80
8290422	\$590,759.11	\$35,799.34
1006178	\$427,849.88	\$25,927.22
8382216	\$398,862.99	\$24,170.65
7894347	\$376,633.81	\$22,823.59
1004059	\$311,942.00	\$18,903.34
7930556	\$245,134.49	\$14,854.88
8382381	\$172,661.62	\$10,463.10
7890003	\$147,500.00	\$8,938.33
8382349	\$146,981.00	\$8,906.88
1005590	\$144,561.58	\$8,760.27
1002909	\$130,519.69	\$7,909.35
1005162	\$130,066.24	\$7,881.87
1000142	\$128,132.78	\$7,764.70
8382281	\$127,253.00	\$7,711.39
8366164	\$126,933.00	\$7,692.00
1005519	\$117,095.01	\$7,095.83
1005884	\$114,631.32	\$6,946.53
8382343	\$114,056.00	\$6,911.67
1000508	\$112,967.16	\$6,845.68
1005461	\$110,144.47	\$6,674.63
8382321	\$110,022.00	\$6,667.21



1005038	\$109,895.56	\$6,659.55
7889994	\$108,000.00	\$6,544.68
8382283	\$108,000.00	\$6,544.68
8366165	\$106,761.00	\$6,469.60
8382344	\$105,113.00	\$6,369.73
8381474	\$103,000.00	\$6,241.68
8382280	\$102,000.00	\$6,181.09
11	\$101,200.00	\$6,132.61
7900381	\$99,289.35	\$6,016.82
1004697	\$98,861.68	\$5,990.91
8382282	\$97,000.00	\$5,878.09
7900376	\$96,184.11	\$5,828.65
8382309	\$95,900.00	\$5,811.43
7920028	\$95,190.00	\$5,768.41
8382270	\$95,000.00	\$5,756.89
8382242	\$94,901.00	\$5,750.89
8257396	\$92,176.00	\$5,585.76
8382341	\$89,818.00	\$5,442.87
8382358	\$88,700.00	\$5,375.12
8255916	\$88,229.00	\$5,346.58
8382305	\$87,300.00	\$5,290.28
8294145	\$85,533.37	\$5,183.23
8382267	\$84,400.00	\$5,114.55
8382395	\$82,917.88	\$5,024.73
8294116	\$79,930.00	\$4,843.67
8381765	\$79,800.00	\$4,835.79
8381675	\$79,230.00	\$4,801.25
8233746	\$79,000.00	\$4,787.31
8382213	\$77,000.00	\$4,666.11
8382290	\$76,213.00	\$4,618.42
8365736	\$75,481.16	\$4,574.07
8381225	\$70,500.00	\$4,272.22
7890986	\$70,417.40	\$4,267.22
8365450	\$67,837.00	\$4,110.85
7889608	\$67,209.81	\$4,072.84
8382392	\$66,347.00	\$4,020.55
8381614	\$64,020.44	\$3,879.57
7894582	\$62,500.00	\$3,787.43
8382317	\$62,132.00	\$3,765.13
8380486	\$58,000.00	\$3,514.73
1000504	\$57,256.87	\$3,469.70
7916889	\$54,500.00	\$3,302.64
1005134	\$53,583.93	\$3,247.13
1005260	\$53,235.80	\$3,226.03
8285320	\$52,477.58	\$3,180.08
8364265	\$52,000.00	\$3,151.14
8269638	\$52,000.00	\$3,151.14
7969778	\$48,700.00	\$2,951.17

8382259	\$48,467.36	\$2,937.07
8380048	\$48,000.00	\$2,908.75
1005613	\$47,412.54	\$2,873.15
8382366	\$47,305.00	\$2,866.63
8187721	\$45,280.00	\$2,743.92
8194332	\$44,800.00	\$2,714.83
7912044	\$42,415.00	\$2,570.30
8188518	\$41,451.00	\$2,511.88
55	\$40,448.95	\$2,451.16
7896545	\$39,801.13	\$2,411.90
7897738	\$39,195.01	\$2,375.17
7898310	\$39,194.92	\$2,375.17
8365502	\$38,499.00	\$2,333.00
7889055	\$37,372.28	\$2,264.72
7903740	\$36,930.93	\$2,237.97
8365905	\$36,209.00	\$2,194.22
8197670	\$35,470.00	\$2,149.44
7910309	\$35,300.00	\$2,139.14
8274470	\$35,000.00	\$2,120.96
7889895	\$34,000.00	\$2,060.36
7905689	\$33,858.00	\$2,051.76
7894885	\$33,500.00	\$2,030.06
8365514	\$33,098.00	\$2,005.70
1005588	\$33,040.86	\$2,002.24
7927421	\$32,749.93	\$1,984.61
8292804	\$30,700.00	\$1,860.39
7890723	\$30,390.27	\$1,841.62
8365589	\$29,037.00	\$1,759.61
7924426	\$28,813.49	\$1,746.07
7893277	\$28,614.75	\$1,734.02
53	\$28,165.00	\$1,706.77
7894484	\$27,150.00	\$1,645.26
8382413	\$25,429.60	\$1,541.01
13	\$25,000.00	\$1,514.97
8291579	\$24,592.94	\$1,490.30
7893589	\$23,379.01	\$1,416.74
7893556	\$22,630.00	\$1,371.35
8365581	\$22,457.00	\$1,360.87
7893551	\$22,000.00	\$1,333.18
7890335	\$21,580.00	\$1,307.72
8365580	\$21,504.00	\$1,303.12
7902227	\$21,350.00	\$1,293.79
8365588	\$21,066.00	\$1,276.58
7893549	\$20,300.00	\$1,230.16
7920243	\$20,207.32	\$1,224.54
1006116	\$20,145.34	\$1,220.79
8365558	\$19,863.00	\$1,203.68
1000087	\$19,660.09	\$1,191.38

7890734	\$19,600.00	\$1,187.74
8382394	\$19,058.29	\$1,154.91
8365583	\$18,569.00	\$1,125.26
8382416	\$18,557.15	\$1,124.54
8294649	\$18,387.73	\$1,114.28
1005573	\$18,077.52	\$1,095.48
75	\$17,500.00	\$1,060.48
8382393	\$16,810.80	\$1,018.72
8365861	\$16,370.00	\$992.00
8365585	\$16,369.00	\$991.94
7925203	\$16,335.00	\$989.88
7972598	\$16,082.09	\$974.56
8365587	\$15,483.00	\$938.25
7926452	\$14,350.00	\$869.59
7893552	\$13,700.00	\$830.20
7917951	\$13,590.00	\$823.54
7899358	\$12,529.15	\$759.25
7897681	\$12,120.65	\$734.50
8293774	\$11,800.00	\$715.07
8292712	\$11,399.77	\$690.81
8264007	\$11,350.00	\$687.80
7889631	\$11,193.63	\$678.32
52	\$10,790.00	\$653.86
8294545	\$10,750.00	\$651.44
8185378	\$10,400.00	\$630.23
1004279	\$10,331.43	\$626.07
7894903	\$10,191.25	\$617.58
7888963	\$10,175.00	\$616.59
8188703	\$10,100.00	\$612.05
8246767	\$10,000.59	\$606.02
8290618	\$9,650.00	\$584.78
8141521	\$8,995.00	\$545.09
1004426	\$8,555.24	\$518.44
66	\$7,982.00	\$483.70
7928095	\$7,570.03	\$458.74
65	\$7,305.00	\$442.67
8291441	\$7,200.00	\$436.31
8188288	\$7,000.00	\$424.19
7898128	\$6,000.00	\$363.59
7890956	\$5,815.00	\$352.38
8188707	\$5,700.00	\$345.41
7907098	\$5,565.00	\$337.23
7888869	\$5,290.00	\$320.57
8065088	\$5,219.00	\$316.27
7890004	\$4,742.00	\$287.36
69	\$4,600.00	\$278.75
7925037	\$4,473.04	\$271.06
73	\$4,400.00	\$266.64

72	\$4,300.00	\$260.58
7889544	\$4,250.00	\$257.55
70	\$4,200.00	\$254.52
67	\$4,000.00	\$242.40
71	\$4,000.00	\$242.40
64	\$3,976.00	\$240.94
7892870	\$3,869.00	\$234.46
8294567	\$3,850.00	\$233.31
7889548	\$3,520.00	\$213.31
7889285	\$3,400.00	\$206.04
7904557	\$3,253.00	\$197.13
8271955	\$3,231.35	\$195.82
7890953	\$3,020.00	\$183.01
7894412	\$2,943.00	\$178.34
7890951	\$2,858.00	\$173.19
7894151	\$2,800.00	\$169.68
7920751	\$2,625.00	\$159.07
8195568	\$2,536.00	\$153.68
1004980	\$2,497.67	\$151.36
8189420	\$2,300.00	\$139.38
7913758	\$2,300.00	\$139.38
7927608	\$2,215.00	\$134.23
7890851	\$2,200.00	\$133.32
7890247	\$2,075.00	\$125.74
7923654	\$2,060.00	\$124.83
8187725	\$1,900.00	\$115.14
8189417	\$1,900.00	\$115.14
62	\$1,800.00	\$109.08
7889000	\$1,800.00	\$109.08
7894395	\$1,500.00	\$90.90
57	\$1,479.00	\$89.63
8188945	\$1,415.75	\$85.79
8292129	\$1,300.00	\$78.78
7890771	\$1,275.00	\$77.26
59	\$1,192.00	\$72.23
8189620	\$1,100.00	\$66.66
7890769	\$955.00	\$57.87
8188321	\$909.55	\$55.12
7878987	\$830.00	\$50.30
58	\$760.00	\$46.06
7878980	\$391.50	\$23.72
8291952	\$378.00	\$22.91
7890601	\$240.00	\$14.54
<b>Total</b>	<b>\$75,413,224.61</b>	<b>\$4,569,956.81</b>